we are unable to hear what he is saying.

THE DEPUTY CHAIRMAN : Mr. Reddy, if you go back to your seats and stop shouting you will hear him.

(Interruptions)

SHRI N. K. P. SALVE ; The authority of the Comptroller and Auditor-General under the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act is ....*(Interruptions)* When the duties and authority of the Auditor-General are determined by the Parliament, how is the Parliament not entitled to exercise....

(Interruptions)

THE DEPUTY CHAIRMAN : Please do not take the mike.... *(Interruptions)* The House is adjourned for 15 minutes.

The House then adjourned at thirteen minutes past twelve of the clock.

The House reassembled at thirty minutes past twelve of the clock, **The Deputy Chairman** in the Chair.

SHRI N. K. P. SALVE : Madam, may I request for permission to speak from this seat? *(Interruptions)*.

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh) ; No, no, he has changed his seat. *(Interruptions)*.

SHRI N.K.P. SALVE : It is determined by an Act of Parliament, and therefore the duties and powers.. *(Interruptions)*.

SHRI GURUDAS DAS GUPTA (West Bengal) : You cannot allow Mr. Salve to speak from that seat. *(Interruptions)*.

THE DEPUTY CHAIRMAN : request all of you to sit down. *Interruptions)*.

SHRI GURUDAS DAS GUPTA : No, no. *(Interruptions)*.

THE DEPUTY CHAIRMAN ; If the Members are not interested, I adjourn the House till 2.30.

The House then adjourned for lunch at thirty-seven minutes past twelve of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock, **The Deputy Chairman** in the Chair.

CONSTITUTION (AMENDMENT) BILL, 1988

(To amend the Tenth Schedule)— *(Contd.)*

THE DEPUTY CHAIRMAN ; We shall now take up the Private Members Legislative Business. There is a Bill for introduction ; The Constitution (Amendment) Bill, 1989, by Shri Ajit P.K. Jogi. He is not here.

THE DEPUTY CHAIRMAN ; We shall now continue with the further consideration of the Constitution (Amendment) Bill, 1988, moved by Shri Pawan Kumar Bansal on the 10th March, 1989.

Before I call upon the next Member to speak, I would like to introduce to the House the new Vice-Chairman, Shri V. Narayanasamy, who is going to take the Chair now and will continue the Business. I hope the House would give to him all the co-operation which they have given to me. I wish Members from this side were also there so that they could also have welcomed him.

[The Vice-Chairman (Shri V. Narayanasamy) in the Chair.]

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) ; Mr. Vice-Chairman Sir, I take this opportunity to congratulate you on your assumption of office.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Thank you. I thank all of you and I seek your co-operation in running the Business of the House.

THE VICE CHAIRMAN (SHRI V.N ARAYANASAMY) (*Contd*) : I seek cooperation from opposition *also.*

Now, Shri Amin Ansari to continue his speech. He is not there. Dr. Rudra Pratap Singh.

डा० रुद्रप्रताप सिंह (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, सर्वप्रथम मैं भी इस बात की हृदय से बधाई देना चाहता हूं, आपका शत शत अभिनन्दन करता हूं जो आप प्रथम बार इस महान और गौरवपूर्ण पद पर आसीन हुए हैं। मान्यवर, मैं आपका हृदय से आभारी हूं जो आपने मुझ को इस माननीय सदन के विद्वान सदस्य श्री पवन कुमार बांसल द्वारा प्रस्तुत संविधान संशोधन विधेयक 1988 पर अपने विचार प्रकट करने का अवसर प्रदान किया है। मैं इसका समर्थन करने के लिए खड़ा हुआ हूं।

मान्यवर, माननीय सदस्य ने अपने विधेयक के माध्यम से एक अत्यंत लोक मंगल के प्रश्न तथा इस समस्या के समाधान एवं निराकरण की ओर इस माननीय सदन का ध्यान आकर्षित किया है। इस महान एवं पुनीत कार्य के लिए मैं हृदय से उन्हें धन्यवाद देना चाहता हूं। श्रीमन्, माननीय सदन इस बात से सहमत होगा कि लोक मंगल की परिकल्पना लोकतंत्र में ही संभव है तथा लोकतंत्र की सफलता की आधारशिला है सार्वजनिक जीवन की स्वच्छता। किसी भी सिद्धान्त या नीति का निरूपण या कार्यक्रम का कार्यान्वियन करने के लिये सार्वजनिक जीवन की स्वच्छता आवश्यक ही नहीं है बल्कि अनिवार्य है। अत: लोकतंत्र में सार्वजनिक जीवन की स्वच्छता का वही संबंध है जो शरीर और आत्मा का है। विद्वान सदस्य ने इस विधेयक के द्वारा लोकतंत्र की आत्मा की ओर संकेत किया है। श्रीमन्, माननीय सदन को स्मरण होगा कि हमारे लोकप्रिय प्रधानमंत्री परम आदरणीय श्री राजीव गांधी जी ने प्रधानमंत्री के पद का कार्यभार ग्रहण करते ही सार्वजनिक जीवन की स्वच्छता को सर्वोच्च प्राथमिकता प्रदान की थी और उन्होंने सार्वजनिक जीवन की स्वच्छता को ध्यान में रखते हुए दल बदल विधेयक प्रस्तुत किया था। जिससे, माननीय सदन इस बात से सहमत होगा कि भारत में लोकतंत्र की जड़ें बहुत गहरी हुई हैं। उनका यह कार्य इस बात का द्योतक है कि लोकतंत्र में उनकी पूर्ण आस्था है, पूर्ण निष्ठा है और पूर्ण विश्वास है और वे सार्वजनिक जीवन में स्वच्छता के प्रति पूर्ण रूपेण दृढ़ संकल्प हैं और कार्यरत हैं। वे भारत की कोटि-कोटि जनता के प्रेम, श्रधा और विश्वास के प्रतीक बन गये हैं। श्रीमन्, दल बदल विधेयक जिस महान लक्ष्य और उद्धेश्य की पूर्ति हेतु माननीय सदन द्वारा पारित किया गया था उसकी शतप्रतिशत पूर्ति नहीं हो पा रही है। आज भी कुछ माननीय सदस्य जिस दल के प्रत्याशी के रूप में माननीय सदन में निर्वाचित होते हैं, अपने दल के जिस नेता के नेतृत्व में उन्हें मत प्राप्त होते हैं जिस नेता के नेतृत्व में आस्था रखने के कारण जनता उनमें आस्था व्यक्त करती है उन्हें माननीय सदन का सदस्य होने का गौरव प्राप्त होता है, जिन महान सिद्धान्तों, जिन नीतियों, जिन कार्यक्रमों के कारण उन्हें माननीय सदन का सदस्य होने का गौरव प्राप्त होता है कतिपय सदस्य अपने निहित स्वार्थों के कारण अपने क्षुद्र स्वार्थों की पूर्ति के कारण आज भी कुछ ऐसा आचरण करते हैं जिसके कारण लोकतन्त्र की जड़ें कमजोर हो रही हैं। माननीय सदस्य ने इस अत्यन्त गम्भीर

समस्या की ओर माननीय सदन का ध्यान आकर्षित किया है । इस महान विधेयक के पारित हो जाने के पश्चात् जो अनेक वर्ष व्यतीत हुए हैं उनमें इस देश की महान जनता ने इस बात को देखा है कि अनेक सदस्य जो अपने दल के नेता के नेतृत्व में आस्था के कारण निर्वाचित हुए थे जो सदस्य अपने दल के सिद्धान्त और नीतियों और कार्यक्रमों के कारण सदस्य निर्वाचित हुए थे उनको छोड़ कर वे सार्वजनिक रूप से अपने नेता की अपने दल की आलोचना करते हैं । मान्यवर, यह कार्य अत्यन्त अनैतिक, अत्यन्त घणित है और इससे किसी भी देश का लोकतन्त्र निर्बल होता है । मैं तो यह कहना चाहूंगा कि इस प्रकार का कार्य लोकतन्त्र के लिए कलंक है और इस कलंक को जितना शीघ्र दूर किया जा सके हमें दूर करना चाहिये । माननीय सदस्य ने इस कलंक को दूर करने की दिशा में माननीय सदन का ध्यान आकर्षित किया है । इसलिए मैं उन्हें बार-म्बार बधाई देता हूं । मान्यवर, अब यह जो समस्या है यह अत्यन्त गम्भीर है कि कोई भी माननीय सदस्य सदन के बाहर यदि चाहे तो अपने नेता के व्यक्तित्व के बारे में उसके नेतृत्व के बारे में अपने दल के सिद्धान्तों के बारे में, नीतियो के बारे में और कार्यक्रमों के बारे मे जो कुछ भी कहना चाहे कह सकता है उचित और अनुचित देखकर अनुचित बातें वह करते हैं और फिर इतना ही नहीं माननीय सदन में भी वह इस बात का संकोच नहीं करते हैं कि अपने जिस दल के नेता के नेतृत्व में विजयी हुए, जिस दल की नातियों के कारण उन्हें सदन का सदस्य होने का गौरव प्राप्त हुआ है बिना किसी संकोच के अपने दल और नीतियों की आलोचना करते हैं । मान्यवर, मेरे विचार से लोकतन्त्र में भ्रष्टाचार की यह पराकाष्ठा है । यह बहुत ही अनुचित कार्य है, जघन्य कार्य है, इसकी जितनी निन्दा की जाए वह कम है, मगर वह कार्य हो रहे हैं । यह उचित समय है कि इस समस्या पर विचार किया जाए और भविष्य में जो लोक सभा के चुनाव होने वाले हैं हमारा यह नैतिक कर्तव्य है कि चुनाव होने के पूर्व इस प्रकार की जो एक कमी रह गई है उस कमी को हम दूर करें जिससे इस समय पर जो इस प्रकार का अनुचित कार्य हो रहा है जिससे देश में लोकतंत्र की जड़ें कमजोर हो रही हैं उस काम को हम रोक सकें और भविष्य में जो लोकसभा का अगला चुनाव हो उसके बाद तो कम से कम इस प्रकार का कार्य और आचरण न हो सके उन पर रोक लग सके और प्रतिबंध लग सके तथा देश में लोकतन्त्र की जड़ें और गहरी हो सकें । इसके लिए हमारे माननीय सदस्य ने जो विधेयक प्रस्तुत किया है मैंने उसका बहुत गम्भीरता से अध्ययन किया है, चिन्तन किया है, मनन किया है और मैंने उसका विश्लेषण किया है, समीक्षा की है और इस निष्कर्ष पर पहुचा हू कि यह विधेयक जो यहां पर प्रस्तुत किया गया है यह अत्यन्त आवश्यक है, अनिवार्य है और इसे अवश्य पारित किया जाना चाहिये । मुझे आशा है कि यदि माननीय सदस्य इस विधेयक का जहां तक इसकी भावना है इसमें जो विचार निहित हैं इसका जो लक्ष्य है, जो उद्देश्य है जिसके लिए माननीय सदन के समक्ष इस विधेयक को प्रस्तुत किया गया है, चाहे इसमें सत्तारूढ़ दल के सदस्य हों चाहे हमारे प्रतिपक्ष के सदस्य हों जो इस समय पर उपस्थित नहीं हैं ईश्वर की कृपा से अन्यथा तो मुझे कदाचित बोलने नहीं देते, यदि यहां पर उपस्थित होते तो मैं समझता हूं कि उनका भी नैतिक कर्तव्य था कि इस पर अपना अवश्य ही सहयोग करते और कहते कि यह विधेयक पारित किया जाये क्योंकि यह विधेयक किसी दलगत भावना से नहीं लाया गया है । माननीय बंसल जी ने जो विधेयक प्रस्तुत किया है इसका लाभ किसी सत्तारूढ़ दल को ही नहीं मिलने वाला है, इसका लाभ सत्तारूढ़ दल को भी प्राप्त होगा और विपक्ष को भी प्राप्त होगा और वास्तविक लाभ लोकतंत्र को होगा और सबसे बढ़कर देश की जनता को प्राप्त होगा । यह वास्तविक बात है। यह विधेयक दलगत भावना से ऊपर लोकतंत्र को शक्तिशाली करने वाला विधेयक है जोकि देश के हित में है, जनता के हित में है और मैं पुनः बंसल जी को बधाई देते हुए माननीय मंत्री जी

[डा० रुद्रप्रताप सिंह]

और सरकार से अत्यन्त विनम्रतापूर्वक अनुरोध करूंगा कि आज यह दिन ऐतिहासिक होगा यदि हम इस महान विधेयक को पास कर सकें । धन्यवाद ।

श्री विठ्ठलराव माधवराव जाधव (महाराष्ट्र) : उपसभाध्यक्ष महोदय, मैं पहले आपको बधाई देता हूं क्योंकि आप पहली बार उपसभाध्यक्ष की कुर्सी पर विराजमान हुए हैं । हमारे लिए बड़े गौरव की बात है कि अभी हमारे एक मित्र वाइस चेयरमैन के पैनल में गये हैं, श्री नारायणसामी जी । आपने आज तक इस सदन में इतना अच्छा काम किया है कि मैं समझता हूं उनको यह रिवार्ड आपको मिला है । You are getting very high positions

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh) : All Swamys do good work!

SHRI VITHALRAO MADHAV RAO JADHAV: But some Swamys go in the reverse direction. .....(**व्यवधान**)... मद्रास से महाराष्ट्र आता है, जरा रिवर्स होता है। मेरे मित्र बंगल जी जो विधेयक लाये हैं मैं उसका स्वागत करता हूं । इस विधेयक के क्लाज 16 "सी" में—

"if he participates in a meeting convened by any other political party to make a common cause with that party opposing the political party to which he belongs, or otherwise acts in manner which demonstrates severance of association with his party"

और इसमें ही पैरा 2 में लिखा है—

"(bb) the report which may be made alleging the encurring of the disqualification by a member under clause (c) of sub-paragraph (*1*) of paragraph 2;"

तो यह जो विधेयक लाया गया है, मैं तो समझता हूं कि हमारे प्रिय मित्र बंगल जी ने हमारे देश में हमारी डेमोक्रेसी और हमारी राजनीति के ढांचे को मजबूत बनाने का प्रयास किया है । इसलिए हमारे मित्र जो कांस्टीट्यूशनल एक्सपर्ट हैं उनको मैं हार्दिक बधाई देता हूं ।

उपसभाध्यक्ष महोदय, आप को मालूम है जब 1947 में आजादी मिली तो हमारे देश के लिए गांधी जी ने एक सपना देखा था कि हमें स्वराज्य तो मिल चुका है पर हमें स्वराज्य को सुराज्य बनाना है और अगर स्वराज्य को सुराज्य बनाना है तो जो हमारी राजनैतिक पार्टियां हैं, राजनीतिक पक्ष हैं उन्हें किन्हीं सिद्धांतों पर चलना चाहिए । मगर कुछ अलग ही हो गया है । 1930 में लाहौर कांग्रेस अधिवेशन में हमने सोशिलिज्म को एक गोल रखा था और आप जानते हैं तथा अन्य सदस्य भी जानते हैं कि इस गोल के अनुसार 1969 में जब इंदिरा गांधी जी ने बैंकों के राष्ट्रीयकरण का प्रस्ताव रखा तो हमारे कांग्रेस के ही कुछ लोगों ने उसका विरोध किया, विरोध ही नहीं किया मगर हमारी पार्टी में से चल पड़े । फिर भी कांस्टीट्यूशनली हमारी जो रचना है उसके कारण हम कुछ नहीं कर पाये । अतः यह जो अस्थिरता थी हमारी डेमोक्रेसी में हमारे गणतंत्र में इसको खत्म करने का पहला कदम हमारे देश के प्रधान मंत्री, सारे देश के गौरवशाली नेता राजीव गांधी जी ने एंटी डिफेक्शन लाकर उठाया । मैं राजीव गांधी जी को बधाई देना चाहता हूं । राजीव गांधी जी ने अपने बहुत थोड़े समय में इतनी अच्छी बातें की, देश की अच्छाई की, इस देश को आगे ले जाने की कि हमारे हिन्दुस्तान की आज इतनी आर्थिक प्रगति हो रही है । यह इसका नतीजा है कि हम किस ध्रुवण से, किस सिद्धांत से किस पालिसी से चलते हैं । जब सातवीं पंचवर्षीय योजना में 5 से 6 प्रतिशत हमारी इकनामिक ग्रोथ हो रही है । उसका क्या मतलब है ? क्योंकि जब

डेमोक्रेसी स्थिर होती है, राष्ट्र स्थिरता से चलता है, जब हमारी पालिसीज और प्रोग्राम किसी एक सिद्धांत पर चलते हैं तो देश की प्रगति होती है और इस देश की प्रगति के जिम्मेदार हमारे युवा नेता, राजीव गांधी हैं ।

एंटि-डिफेक्शन ला से सिर्फ कांग्रेस को ही उसका फायदा नहीं हुआ है, अपोजीशन को भी उसका फायदा हुआ है। अगर एंटि-डिफेक्शन ला नहीं रहता, तो आंध्र प्रदेश की सरकार, तेलुगु देशम की सरकार कभी की टूट जाती । वह एन० टी० रामाराव जो हमारे अभी ब्रह्म र्षि विश्वामित्र बन कर मीनाक्षी शेषाद्री के साथ डान्स कर रहे हैं, उनको भी धन्यवाद देना चाहिए कि इस एंटि-डिफेक्शन ला की वजह से उनकी सरकार टीकी हुई है, नहीं तो वह भी खत्म हो जाती । आप जानते है कि जो इधर से उधर लोग जाते थे, हमारे महाराष्ट्र के एक बहुत बड़े नेता यशवंतराव चौहान ने कहा था कि इस देश में आया राम, गया राम की राजनीति शुरु हुई है । इधर आये तो आया राम उधर गये तो गया राम ।

तो इस आया राम ,गया राम की राजनीति को खत्म करने का पहला प्रभावशाली कदम हमारे देश के प्रधान मंत्री, राजीव गांधी ने उठाया और इसका नतीजा यह हुआ कि हिंदुस्तान की डेमोक्रेसी, हिंदुस्तान का गणतंत्र बहुत अच्छी तरह से चल रहा है और इसके साथ-साथ हमारे में कुछ कमियां रह गयी है । हमारे कुछ लोग चाहते हैं--अब यह हमारे मेम्बर नहीं हैं, हमारे चिमनभाई मेहता बड़े सीनियर मेम्बर हैं, रहते हैं हमारे पास और बाते करते हैं किसी और की, यह नहीं चलेगा । खाते किसी का और गुण गाते किसी और का, यह राजनीति में चलने वाला नहीं है ।

अगर यह बिल अडाप्ट किया जाये ला मिनिस्टर साहब, तो यह खाने के और गाने के दोनों के संगीत बंद हो जायेंगे । या तो इधर रहिए, नहीं तो उधर चले जाइये, या अपनी मेम्बरशीप छोड़ दीजिए । कांग्रेस की ताकत पर चुन करके आना चाहते हैं और उसके बाद कुछ अलग ही बातें करना शुरु करते हैं । यह लोग जो हैं मैं तो कहता हूं--अभी अपोजीशन मे कोई हैं नहीं--यह तो गद्दार लोग हैं । जिस घर में रहते हैं, अगर उस घर के खिलाफ राजनीति करते हैं, तो आपको उस घर में रहने का कोई अधिकार नहीं है, आपकी कोई नैतिकता नही है ।

मैं मानता हूं कि आप बड़े फ्रीडम फाइटर हैं, स्वतंत्रता सेनानी भी होंगे, आपने आजादी के लिए काम भी किया होगा, लेकिन उसका मतलब यह तो नही है, गांधी जी के सिद्धांतों का मतलब यह तो नहीं है कि रहे कांग्रेस में और गुण गाये जनतादल का । अभी जनतादल तो दलदल में फस गया है । उन्होंने नाम बहुत अच्छा दिया है । मराठी में कीचड़ को दलदल कहते हैं और जो जनतादल कीचड़ में बैठा है और दलदल में फंसा हुआ है, वह कभी बाहर आने वाला है नहीं ।

अगर इस देश के बुनियादी ढांचे को मजबूत करना है, तो हमें देखना है- जैसा कि बंसल जी यह बिल लाये हैं, हैं, अगर पार्टी के खिलाफ इनडिसिप्लड होकर अनुशासन का पालन नहीं करके कुछ बातें करना चाहते हैं, तो उसकी मेम्बरशिप चली जानी चाहिए, वह डिस-क्वालिफाई होना चाहिए। यह बड़ी अच्छी बात सदन के सामने वह लाये हैं ।

अगर यह देश मजबूत होना है, तो इस बात का पालन करना चाहिए, उसको आबजर्व करना चाहिए। अगर इनसान के, मनुष्य के जीवन में शिष्त नहीं रहेगी, तो उसका जीवन अधूरा रह जाएगा। तो हमें एक शिष्त से, सिद्धांतों से, एक उद्देश्य से, एक ध्येय से हमें आगे बढ़ना है और इस लिहाज से मैं समझता हूं कि यह जो बिल बंसल जी लाये हैं, बहुत बढ़िया बिल लाये हैं और मैं अपने मंत्री जी से अनुरोध करता हूं कि इसको आज ही युनेनिमस्ली

[श्री विठ्ठलराव माधवराव जाधव]

पास किया जाए। अगर यह किया गया, तो मैं समझता हूं कि भारत के इतिहास में इस राज्य सभा ने एक नया कदम उठाया है, जिससे कि अस्थिरता की जो बातें होती हैं, वह सारी पोलिटिकल पार्टीज की खत्म हो जायेंगी।

तो, उपसभाध्यक्ष जी, जब हम अपने देश की राजनीति की तरफ देखते हैं और जो आजकल देख रहे हैं कि इस देश में संसद क्यों बनाई गई, यह कंस्टीटयूशन क्यों बनाया गया--अगर कुछ बातें हैं, हमारे खिलाफ अगर नारे देना है, तो यह तो रास्ते में जाकर नारे दे सकते हैं, मगर सदन के अंदर कोई भी इम्पार्टेन्ट कोई भी देश का न करने देना, यह कौन सी बात है, यह कौनसी स्वतंत्रता है?

यह स्वतंत्रता नही है, यह एक मनोविकृति है। इस मनोविकृति से पीड़ित हुए लोग आज इस सदन के अंदर घूम मचा रहे हैं और देश की इम्पार्टेन्ट बात, उसको गौन महत्व प्राप्त करने जा रहे हैं। जब सुबह हमारे कृषि मंत्री जी ने एग्रीकल्चर के फार्म प्राइसेज के बारे में एक महत्वपूर्ण निवेदन किया, उस पर भी वह चर्चा करने के लिए तैयार नहीं थे। जिन लोगों को आगे जाने में विश्वास नहीं है जो लोग अंग्रेजों के गुलाम थे, चंद मुटठी भर लोग इस देश पर राज करना चाहते हैं। उन लोगों के दलाल बन कर कुछ लोग हमारे देश की बुनियादी डेमोक्रेसी को खत्म करना चाहते हैं। जब तक हम गांधी जी के सिद्धांतों पर चलते हैं, जब तक हमारी कांग्रेस की राजनीति चिदा है, हम अपने शरीर के खून की आखिरी बूंद रहने तक इस देश की रक्षा करेंगे देश की आजादी की रक्षा करेंगे और राजीव गांधी का नेतृत्व बुलन्द करेंगे। यही कारण है कि हमें इस देश को मजबूत बनाना है, देश को सुदृढ़ बनाना है और अच्छा स्वतंत्र देश बनाना है और इस लिहाज से, इस विचार से मेरे मित्र ने यह बिल लाया है और मैं समझता हूं कि यह बहुत ही गौरवशाली बात है। हमारे देश में कितनी समस्यायें हैं, कितनी बातें हैं और यह तो स्वतंत्रता को मजबूत करने की बात है। हमारे देश में कितनी जातियां हैं, कितने धर्म हैं और कितने पंथ हैं और सब लोगों को आहिस्ता-आहिस्ता खत्म करना है और कुछ लोग, कुछ सांप्रदायवादी ताकतें, कुछ सांप्रदायवादी पार्टियां अपनी जाति-पाति पर पार्टियां बना रही हैं और उनका वोट लेना चाहती हैं और इस डेमोक्रेसी को खत्म करना चाहती हैं, सिर्फ इससे काम बनने वाला नहीं है, मैं तो कहता हूं कि हमारे कानून मंत्री को कि इससे बात बनने वाली नहीं है, यह तो बिल लाने के बाद हमारी डेमोक्रेसी को जरा मजबूती जरूर मिलेगी, मगर आगे चल कर हमें यह बिल लाना पड़ेगा। हमारे हिन्दुस्तान में, हमारे भारत में रहने वाला जो भी कोई आदमी है वह पहले भारतीय है, वह पहले हिन्दुस्तानी है और फिर बाद में उसकी जाति-पाति आ जाती है। यह जाति-पाति के नाम पर, धर्म के नाम पर और मजहब के नाम पर देश को तोड़ने की जो राजनीति हमारे देश में हमारे देश के गद्दार, जो शत्रु कर रहे हैं उसको भी हमें खत्म करना है आज नहीं तो कल और ऐसे कानून को आगे लाना है। इस लिहाज से मैं समझता हूं कि यह एक इसकी शुरूआत है और यह शुरूआत राजीव गांधी जी के हाथ से हुई है। अगर हमारा देश मजबूत नहीं रहता, अगर हमारे देश की डेमोक्रेसी का, गतंत्र का ढांचा मजबूत नहीं रहता तो हम "अग्नि" मिसाइल जैसी प्रगति मिसाइल नहीं छोड़ सकते थे, हमारे देश में एटामिक पावर के जरिए से 10,000 मेगावाट पावर जेनरेट नहीं कर सकते थे और देश को एक मजबूत इंडस्ट्रियल एग्रो-इंडस्ट्रियल बेस हम नहीं दे सकते थे। तो इसका एक ही कारण है कि भारत का रास्ता सही है और भारत अपने सही सिद्धांतों पर चल रहा है और भारत का नेतृत्व एक ऐसा विशाल दृष्टि वाला एक

जिनका विजन है, जो दुनिया की राजनीति में तपन है, ऐसा हमारा एक युवा प्रधान मंत्री कर रहा है। इस देश को एकता के लिए जैसा कि हमारी प्रधान मंत्री श्रीमती इंदिरा गांधी ने अपना देह-त्याग कर दिया, खुद को बलिदान कर दिया, वह हुतात्मा हो गई उसी तरह हमारे देश में जो अगर हमारे बड़े नेताओं की याद आगे ले जानी है, देश को मजबूत बनाना है, महात्मा गांधी के बाद, जवाहर लाल नेहरू के बाद और इदिरा गांधी के बाद राजीव गांधी के साथ हमें चलना है तो हमारे देश की जनता जरूर चलेगी। अगर यह कितना ही इधर से उधर नाचते रहें कितना ही लोगों को गुमराह करने की कोशिश करें, अगर यह कितना भी अपनी धूम मचाते रहें तो हमारे भारत की जनता इनको दलदल में फसाए बिना नहीं रहेगी इसके बारे में कोई संदेह नही है।

उपसभाध्यक्ष महोदय, आज यह एक बहुत ही ऐतिहासिक और आइन कदम उठाया गया है और इस देश की आजादी का बुनियादी ढांचा तैयार करने का महत्वपूर्ण निर्णय इस बिल से आने वाला है और मैं च हता हुं कि यह भी तो कैसा सहयोग है कि आज एक अच्छे पार्लियामेंटेरियन चेयर में बैठे हैं और हमारे अच्छे मित्र श्री बांसल जी ने यह सिद्धांतवादी बिल लाया है और राजीव गांधी के प्रति जिनकी निष्ठा अटल है, इधर से उधर कुछ भी हो सकता है, मगर हम, हमारी पार्टी, हमारे नेता और हमारे देश के प्रति हम कुछ भी सेक्रीफाइस, कुछ भी त्याग करने के लिए तैयार हैं। आज सब मिलकर आज यह हमें वायदा करना है और यह भी हमारे जो कानून मंत्री हैं मेरे मित्र श्री हंसराज भारद्वाज जी यह सब समय कांग्रेस के साथ रहे हैं, हमारे सिद्धांतों पर चलते रहे हैं, हमने भाई-भाई सा मिलकर काम किया है और आज सब भाई मिलकर इस देश को आगे ले जाने का हमें प्रयास करना है। हमें भगवान श्रीकृष्ण, पांडव की नीति, अर्जुन की नीति चलानी है, दुर्योधन की नीति नहीं चलेगी, कौरवों की नीति नहीं चलेगी हमारे देश में जोर-जोर से चिल्लाने वालों की नीति नही चलेगी। यह तो काम करने वालों की नीति चलेगी, यहां तो नीति चलेगी जो हमारे बड़े सिद्धांत हैं जो हमारे पूर्वजों ने दिए हुए हैं हमारे डमोक्रेसी के सिद्धांत हैं, हमारे सैक्युलिरिज्म के सिद्धांत हैं, हमारे सर्व धर्म समभाव के सिद्धान्त हैं और हमारे देश को आगे ले जाने वालों के जो सिद्धांत हैं और उसको हमें मजबूत बनाना है और यह मजबूत बनाने का पहला एक कदम मैं मानता हूं। इस लिहाज से मैं अपने मित्र श्री बांसल जी का यह जो बिल उन्होंने लाया है उसका मैं पूर्ण स्वागत करता हूं।

जय हिन्द, जय भारती।

3 P.M.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): Sir, I seek your permission to congratulate you on occupying this very important position. Sir, I also express my gratitude and thanks to Shri Pawan Kumar Bansal and other hon. Members who have spoken on this new measure. Sir, as you will see, the Constitution 52nd Amendment 1985 Act provided disqualification of the Members on three counts —

(a) if the Member voluntarily gives up his membership of the political party (b) if the Member voted

[Shri Hans Raj Bharadwaj]

or abstained from voting in the House contrary to the directions issued by the political party to which he belongs and such action has not been condoned by the political party concerned within fifteen days from the date of voting or abstention, (c) if a Member is elected to the House as an independent Member, he shall be disqualified if he joins any political party after such election: and (d) a nominated Member shall also be disqualified if he joins any political party after a period of six months from the date of his becoming a Member.

Sir, I will not take the time of this hon. House to show the significance of any antidefection law, specially the new measure which we brought in 1985 when our beloved Prime Minister, Shri Rajiv Gandhi, took over as the Prime Minister. At that time, even the friends in the Opposition here and in the other House felt and the whole history of the anti defection law goes to show that if this democratic country has to progress and establish itself as a firm democracy politically, economically and politically then we must do away with this menace of defection and every hon. Member of this House knows how solemnly and seriously we took up that Bill for discussion at that time and we had a long discussion.

SHRI GHULAM RASOOL MATTO : It was unanimously passed.

SHRI HANS RAJ BHARDWAJ I am coming to this. And after long discussion every hon. Member got an opportunity to express his views it was decided that this is very whole some law which we were passing and I am happy to say that at that time, there was no opposition to the Bill and the history bears testimony to this fact that everybody supported and passed it and it became a law. I personally felt, well this is an utopia or something with all the hon. Members from all the political parties passing, at least we will not see this gruesome murder of democracy by floor crossing. But what happened thereafter? There was a split in Punjab. There was a fight for power and the law was challenged in the Punjab and Haryana Court, Chandigarh. What was argued there by the friends from the Opposition? One of their so called eminent jurists, went to argue and what was canvassed before the court was, no, this is not a wholesome law which has been passed. It is a bad law. Why is it a bad law? It is because you have snatched away my right to defect. Can you imagine, in a civilised society that we have a right to defect? Can anybody claim that it is one's right to defect from a political party which elects him? But this was argued and this argument was repelled by the court. The court did not accept it. The court said that this is a good law and they went into the history of the British laws and other laws and the High Court was right in saying that well, if democracy has to succeed, there is no room for "AYA RAM AND GAYA RAM". Otherwise you cannot do anything in a society like ours. Thereafter they went in appeal. The appeal is still pending. I thought that is the end of it because Akali politics may not be taken seriously. They will never take it seriously because they have no policy but a very dangerous trend started within our own party. Some people were found napping. They did not have experience in running a department in a government. Some objections were taken and when they were found wanting in working, they started attacking within the party and they were expelled. Now the moment they were expelled they started joining hands with the other side. I doubt they were already in league with them. My own understanding is, their freindship with the other side was so quick that they started speaking what the Opposition should speak. If you go by the spirit of the

anti-defection law, if somebody has any moral standards and if he is a political leader or political thinker or political person of any reckoning he should quit the seat. It is a trust of the party, the leader and the people who elect you on a particular symbol because our system is parliamentary democracy based on political parties. The moment you want to go against the party or against the idelogies, programmes and policies of the party as you have no faith in them, you return the trust, resign and go to the people and seek a fresh mandate and you, in your own right can occupy a seat. But you are running with the hare and hunting with the hound. These double standards injure the democracy of the country.

SHRI CHIMANBHAI MEHTA (Gujarat) : If you betray the people...

SHRI HANS RAJ BHARDWAJ: What is betrayal and what is loyalty? There is a very thin margin and it is one's inner conscience and nobody outside can decide it. This is what I think. In all organised societies, if you surrender some of your freedom, you get better freedom outside. If I surrender my individual freedom in obedience to the laws of the country, I get a better protection from external aggression and interal dangers to my life. These are all civilised behaviour. For uncivilised behaviour there is no end. You can go to any extent. See the situation today. Is this success of parliamentary democracy? You charge money for every day you come here, to the exchequer and say you will not transact any business. Is it whole some? Is it moral? What for do you draw salaries, TA and DA from the public exchequer? Workers in the field toil for getting Rs. 14 or Rs. 15/- a day and we are charging Rs. 150/- per day doing nothing here. It is not a very healthy situation. If you do not have any morals, you do whatever you like. The people are there to judge and decide. And that is what is provided in democratic set-ups everywhere in the world. We cannot fight with our fists. We have to go to the people ultimately and they have the real knack to decide who is who. They have decided it over the years. This is the only saving clause for the country. The people are really educated on this aspect of political life. What I want to say is this. No law of anti-defection can be perfected so long as the genius of defectors is alive, so long as the genius to develop lacunae in various laws and find out methods to get away is alive. I think no man who has got a little conscience can go against his political party which is like his mother. It is the political experience of that mother which put you in this august House and still you want to injure that mother who gave you the seat. (*Interruptions*).

SHRI CHIMANBHAI MEHTA: Should you not call a general body meeting?

SHRI HANS RAJ BHARDWAJ : Mr. Vice-Chairman, please ask him not to interfere in my speech. (*Interruptions*). I am on my legs.

THE VICE CHAIRMAN (SHRI V. NARAYANASAMY) : Please do not interfere when the Minister is speaking. (*Interruptions*).

SHRI HANS RAJ BHARDWAJ : I think he does not accept what I am saying. He is placed in such a situation. I am only submitting, you have every right to speak within your political party. There are meetings at the block level, district level and pradesh level. In every party there are opportunities and free discussions. Nobody can stop that. But, ther are certain limitations within which members of a political party should function. Whip is one of the most important instruments in a democracy. You see the British Constitution. Nowhere, in no country, no Prime Minister, no President, who is at the

[Shri Hans Raj Bharadwaj]

helm of affairs, can run the House, run the Government, in discipline, unless he has some sort of a whip to command the members of his political party. Can you leave it to an indisciplined lot? We have to have some self-discipline, some respect, some norms. You cannot devise your own norms. You have to develop some norms which are healthy, good and which are appreciated. When I say some thing and most of the members do not like it or the entire House says it is wrong, can I say, "No, the entire House is wrong and only I am right, I am the sole repository of what is right"? I don't accept it. Can anybody dispute that if you want to differ and go out of your political party and join hands with the Opposition, then you must quit your seat? If that were so, the honourable Member who is adopting those measures now, who is sitting with the Opposition and attending all their meetings, he should have followed that law and quit his seat. There are people who have followed this law in the past. Several Members who had differed from their political parties quit their seats and they came back to the House after being elected on different symbols. Not only in this House, even in Lok Sabha, if you want to take examples. So I cannot swallow, I cannot accept, that you retain the seat in order to avoid the intricacies of law and you find methods and say that I am still the most politically sound, I am the great moralist in politics. That situation cannot be accepted. This is an enlightened society. You cannot fool people for all times. You will kindly see that all political parties, whether it is the Congress Party or the Marxist Party or the Communist Party or the Telugu Desam Party, whatever the party, they have certain programmes and policies and ideologies. So long as you belong to a party, you will always like your party to adopt a better policy. one cannot say since this is the policy which this party is following I am going away and I am sitting with those with whom I do not have any political understanding. Simply because you are differi g from your political party, you go and align yourself with the others, this situation is not permitted under the present 52nd amendment because you owe allegiance to a particular political party when you file your nomination. It is acceated that you will remain loyal to that particular political party. you have gone to the masses and told them that you are a member of such and such a party; the masses have applied their mind and voted for that political party. you are not contesting as an independent there. that is where the status of an independent member comes. in. When an independent goes to the political arena as an independeent can didate people have to think seriously, here is a man who is independent who is not attached to any political party, do we reject a political party in preference to this gentleman ? So they reject the political parties and elect him, they want for their constituenct an independent man. So there is a ban that such an independent member cannot join a political part in order to give respect to the choice of those who have elected him. but he does not want to keep that respect which the voters have reposed in him; suddenly. saying he is differing from his political party, he goes into confusion and gets elected from another constituency as an independent and the next day becomes the chairman of a political party, so called political party which is still in a liquid form. and he drafts the constitution and policy matters of that political

party of which he becomes the chairman, of that political party which is not yet recognised. Therefore, the anti-defection law does not come into operation. Then he projects himself, I am the best person morally and politically sound, no law applies to me, whether the 52nd amendment or the 56th amendment, I have the genius to work my methods.

There are several of them today in the country. I am not naming any particular person because I do not want to hurt anybody. I am only pointing out where the shoe pinches. Or, say openly : "Let us have the freedom of defection." like the one who said it in the Punjab and Haryana High Court saying that it is his right to defect. I am submitting this to the very important leaders of a political party because, later on, when they found that power can be gained by defection from the Congress (I), they filed writ petitions in the Delhi High Court and in the Bombay High Court and in other High Courts challening the validity of the 52nd Amendment. I am not naming anybody because they will say that they are not Members of this House but they are Members of the other House. But they were essentially members of the so-called Janata Dal who have filed writ petitions in the Bombay and Delhi High Courts saying that this is a bad law and that this should be scrapped so that they have the freedom to win over members from other political parties and demolish the duly elected Government. Is this moral ? This is where we must look at. Whatever law you pass in this House, at least stick to it till the next elections. What do the people expect from us? You must think that the people have elected a Government by a majority of a particular party and so, they should rule and that you will wait for the next five years and the people also will apply their minds and judge. In the meantime, if any political party is aspiring for forming the Government, the best method is not to run into the ranks of the other political parties or win them over to your side. The best strategy would be to develop your own ideology, your own cadres and your own politicies and programmes which are better than those of the competing political party which is in power. Is this being done in the country today ? You must ask yourself if you are sincere, if you are sincerely political and nationalist in your approach. Do we allow this dilemma that one political party, an established political party for a hundred years, is at the helm of affairs in the country and everywhere in the farthest corner of the country where you will find its roots, and there are attempts to gain power by defection or by demolishing the established Government by defection, by insinuation and what not without waiting for the next five years and without waiting for the next general elections ? This is nothing but pure lust for power. Nobody can argue that this is being done for any other reason except the one of pure lust for power without having any parity at all. Today, what is the position of our Opposition ? In my childhood, when I was a student, I and others thought that the communists were great ideologists and in our student life, we read about Marxism and Leninism and about others. What about today ? It has disappeared ! The followers of Lenin and Marx have disappeared. Today, when we want to argue against the CIA, they are having a common cause with those friends of theirs, though they have their own ideological commitment to this, and they do

[Shri Hans Raj Bharadwaj]

not want to speak on those issues! Their only point is how they can remove the Prime Minister from power, how they can remove the Congress (I) from power and have a conglomeration of confused and highly unpolitical people. You show respect to Parliament : you show respect to the people. Parliament constitutes the entire might of the people of this country through which this Government works and if you show disrespect to the forum of Parliament, then I do not accept that you are a democrat. I do not accept that a person is a democrat if he does not respect Parliamentary institutions because this is where the entire fate of the nation hangs in the balance.

This is a very important subject and defection does not merely mean that you defect from the one party to another. The mental defection of a person is much worse than prostitution. It means that you have something in your mind and something else on your tongue. This is the worst type of defection. This is where, I say, no law can be perfect and no law can be perfect as long as these geniuses survive. We should try to see that there are no defections and try to minimise the evil and this law has been able to minimise this evil. I would not say that this law has been able to cure all evils in our political life. But it has tried to maintain the sanctity of political parties by ensuring that at least, by and large, all those political parties which were is existence, unless they destroyed themselves, are preserved and they have been preserved. If they have not been able to improve, that is their fault. So far as this is concerned, now this is a very wholesome principle which Bansalji has brought forward. If you are in a particular party, express your grievances in your own political party. And if your do not want to do that, you want to sit on a more beautiful dais somewhere, attracted by some of the policies, then you resign and go away and sit with them and get elected. But you cannot say : I will stay necessarily in your party but I will speak from other political parties. No person will appreciate this. His own conscience would not allow him to do that. This is a wholesome principle in politics. And we should accept this. But now the case is pending in the court and we are expecting that the judgment will come, and if there are lacunae in any law they are always filled because reforms of any kinds, whether political, judicial or electoral are a continuing process. Why is it a continuing process, Sir? It is because the human mind is not stable it goes on changing, aspirations and hopes go on changing and the quality of the people also goes on changing. Therefore, whenever a situation demands, the demands of the society are so compelling, then this Parliament makes the law, at the demand of the society. There was a demand of the society, and the 52nd amendment of the Constitution was brought. Now we are watching what tryend the society is going to set. We are going to the polls very soon, at the end of this year. So you will know whether the country likes defectors, the country likes unstable minds or the country decides in a particular direction, and the history will record all these findings on the basis of the gimmicks that are being played today. The people are wiser. I fully support the idea behind it.

But you will appreciate that the Constitution amendment is a very, very serious matter. And whenever we sit for Constitution amendment we have to take by and

large a consensus. It has always been like this because it requires two-thirds majority. But when an issue is raised in the House and there is a serious debate, without going into the persons--well, I do not believe that when we speak in the House any particulr person is the target but it is always in the interest of the country, the society at large. That is where nobody should take it to himself, because nobody is larger than the party, nobody is bigger than the country, however big one may be. These are the two paramount considerations before us when we speak in the House.

So when we will discuss the anti-defection law we will also discuss it thoroughly again. Last time there was a provision in the earlier drafted Bill—clause (c)--I remember. But there was an opposition almost in all political parties, and in deference to their wishes at the last moment we had to withdraw clause (c). And this amedment of Bansalji is more or less the same. So at that time this issue was discussed and an apprehension was raised that if you keep this provision that an expelled member will also be disqualified then it would erode parliamentary freedom of hon. Members. And when there was a consensus in the Oppsition and in the Government, the ruling party, then in deference to their desire this was withdrawn. I have the full debate with me. It was also discussed and it was found that the hon. Members did not want it. Therefore, we have kept it. But if the experience is that something else will be required, then this will be kept in mind and the Government would like to move later on at the appropriate time with such measures so that the anti-defection laws are strengthened. I would like to repeat in this House that our commitment to purity of public life is very strong, and in spite of what the people say on the other side it is this Government which brought the anti-defection law--the Rajiv Gandhi Government. If at all anything else will be required, in national interest, this House will literally see that this Government believes in the service to the people, the stability of the Government and the stability of the political system. This is the legacy of the Congress which brought freedom to the country and which brought economic strength to the country. No political party was born at that time which served the people so well. It is our commitment. It is this party's commitment. If this measure or several other measures are required, we will take the House into confidence at a latter date and we will have these laws. In view of my submission that we are considering these things and when there is an opprtunity, we will definitely consider this amendment also, I request Shri Bansal Ji to kindly withdraw it.

SHRI CHIMANBHAI MEHTA : May I seek a clarification from the hon. Minister, Sir? I want to seek one or two clarifications. I know that this was a very important Bill and we passed it unanimously. But implicit in that was inner party democracy also. A whip can be issued after the General Body Meeting in which party Members are consulted. It rarely happens that a whip is issued efore consultation on very very vital issues. It is said that we are following some of the principles of Great Britan. In Great Britain also, a whip is defied. If the conscience of a Member says so, a whip can be defied. He is not disqualified from the House. They issue a whip only on the question of maintaining majority so that the Government is not defeated in the House or on the issue of No-Confidence Motion or on money bills. This Bill was primarily brought for one reason. The Governments were being brought down on one pretext or another by *Aya Ram*

[Shri Hans Raj Bharadwvaj]

Gaya Ram. It was only for that and not to throttle democracy and not to throttle the voice of the Members. Some people are suspended for months. No notice is given as to why they are suspended. Some people are expelled from the party and no explanation is given. What sort of democracy and morality is this? Therefore, we should be prepared to discuss all these issues. I believe that this law is a correct law. I stand by it. But I say that you must have certain regulations. A whip is bound to be issued. But there are certain procedures. Would the hon. Minister enlighten us? I agree with him on the issue of morality and ethics. But let us not talk with double standard, one applicable to me and another applicable to another person. That should not be done.

SHRI HANS RAJ BHARDWAJ : Sir, I have no ill will against the hon. Member. He has certain ideas. But I would like to correct him. Whips were issued by all the parties even before this law. You know it very well. Perhaps you were in Lok Sabha or Rajya Sabha earlier. Whips are issued by all legislatures and Parliaments throughout the world. Why is a whip required? It is because you have to carry your party in a particular direction. Whip is not essentially a punishment. It is a direction given to the hon. Member belonging to that political party because the leader and rank and file of that political party are committed to the people that they will take the country towards secularism, socialism and democracy. Suppose an hon. Member says : "I want dictatorship in the country ; it is my conscience." Can you allow that conscience to prevail over the views, programmes and policies of the political party? A Member is bound by the majority view of that party and he always elects the Members in that parliamentary party. That parliamentary party discusses every issue amongst itself. That is what we call democracy. *(Interruptions)* Sir, I cannot satisfy him because the hon. Member has his own views. Let us say, a particular Bill gives effect to a particular programme. Take, for example, the issue of bank nationalisation. At that time it was a very vital issue to our party but not so to other parties. Therefore, naturally, every effort would be made including the issue of a whip to see that the particular measure is passed. At that time, can anybody say, can a person who belongs to that political party which has brought forward the measures say, that his conscience does not permit him to vote for that? Therefore, which is a civilised method of.

SHRI CHIMANBHAI MEHTA: This was discussed in the party at that time. *(Interruptions)*

SHRI HANS RAJ BHARDWAJ : A Member has to abide by the principles of the party to which he belongs. People who have no sympathy for the political party to which they belong think differently. One has to go by the ideology of the political party to which he belongs. If one likes the ideology of the Marxist Party but is still a Member of the Congress Party, that is a different issue. A Member should abide by his party's decision. Otherwise, Parliamentary parties cannot function and Parliamentary democracy would be meaningless. Can you show any Parliamentary democracy where whip is not issued? This is necessary where the Leader of the party is committed to take the party in a particular direction. Only sheer political dishonesty can compel the people to think otherwise.

श्री सुरेश पचौरी (मध्य प्रदेश) : महोदय, मैं आपकी आज्ञा से कहना चाहता हूं ।

आदरणीय मेहता जी बड़े बुजुर्ग सदस्य हैं । उन्होंने अन्तरात्मा, नैतिकता और लोगों को विश्वास में लेने की बात कही। मैं बड़े अदब के साथ आपके माध्यम से उनसे पूछना चाहूंगा कि जब वे राज्य सभा के सदस्य बने थे तब क्या विधायक, जिनके माध्यम से वे चुने गये थे, उनको विश्वास में लिया गया था और अन्तरात्मा की आवाज पर वोट देने के लिये कहा था या उनको नैतिकता के आधार पर वोट देने के लिये कहा गया था ? जब उनके कारण वे आज यहां पर बैठे हुए हैं तब उन्हें नैतिकता और अन्तरात्मा तथा इस तरह की सारी बातें याद आ रही है ।

SHRI CHIMANBHAI MEHTA : I am prepared to answer ....*(Interruptions)*

THE VICE CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Mehta, please sit down. The hon. Minister has replied to your point. Now, Shri Bansal please.

SHRI PAWAN KUMAR BANSAL (Punjab) : Mr. Vice-Chairman, Sir, first of all, like other hon. Members, I offer you my heartiest compliments on your assuming the Vice-Chairmanship and I offer you my best wishes.

Sir, I sincerely thank hon. Members, Shri Satya Prakash Malaviya, Shri Hari Singh, Prof. C. Lakshmanna, Shri Ram Chandra Vikal, Shri Ish Dutt Yadav, Yourself, Sir, you also spoke Shri Ghulam Rasool Matto, Shri Dharam Pal, Shri Mohammed Amin Ansari, Dr. Rudra Pratap, Singh, Shri Vithalrao Madhavrao Jadhav, the hon. Minister of State for Law and also Shri Chimanbhai Mehta and Shri Suresh Pachouri for participating in the discussion on this important Bill which, in a way, has earned the distinction of being discussed in three consecutive Sessions of the Rajya Sabha. Very many positive contributions have been made and I am grateful to all those who have supported my plea to amend the Tenth Schedule of the Constitution to remove certain lacunae in the anti-defection law which have come to the fore during its working in the last few years.

Sir, the anti-defection law enshrined in the Constitution through the Fifty-Second Amendment embodies the will of the society that strict moral principles should govern the country's political life and that elected representatives of the people do not cross the floor for immediate and narrow political gains. This law, as Dr. Rudra Pratap Singh very aptly said, symbolises the soul of democracy. It was to put an end to political harlotry that the Government led by Shri Rajiv Gandhi brought forward in Parliament a Bill which had remained elusive for decades and, obviously, it received unanimous approval. Though some people thought it fit to challenge it subsequently, completely foregetting that defections are a curse on democracy, a stigma on the fair name of democracy. And Sir,, by challenging the provisions of the anti-defection law as unconstitutional, they have sought to claim a right to seduce members from one party to another and to engineer defections with the sole object of destabilising a duly elected Government and in that process cheat the people of the country.

Sir, If we were not to falter in remaining true to the lofty principles which motivated us to enact the anti-defection law, there would have been no occasion for me to move the present amendment. What impelled me to do so was the realisation that some of the law-makers were abusing the same without any compunction whatever, subverting this moral law intended to cleanse the public life. Some hon. Members—I wish Mr. Chimanbhai Mehta had remained present

[Shri Pawan Kumar Bansal]

in the House snapped all their links with their original political party and opposed it brazenly on every conceivable platform outside this House but continued to hold out as its Members in the House, obeyed its whips and voted with it only to cling to their seats.

Sir, I have dwelt on it at length earlier when I moved the Bill and would not repeat all those arguments today but I do want to submit that contrary to what Prof. Lakshmanna and presumed the other day, I, while moving this Bill was not even remotely perturbed by the actions of some of the hon. friends whom I could very rightly term as Brutuses in the Congress. I want to emphasise that the Congress is so strong that their daggers could not even inflict bruise on the body of the Congress. Prof. Lakshmanaa has the right to draw his own inferences while tacitly supporting some of the actions which have in fact impelled me to move this amendment. But most humbly I want to submit and emphasise that it was only the reckless flouting of some of the provisions, the basic spirit of the anti-defection law, which did perturb me and which did impel me to move this amendment.

Sir, if one considers candidly the anti-defection provisions of Schedule X of the Constitution as they stand at present in the light of the recent developments, to which Mr. Mehta also happened to be a party, the developments which have been adverted to by me earlier, and other hon. Members speaking thereafter, one cannot deny the fact that there is an urgent need to plug the various loopholes and remove the lacunae in the anti-defection law. On the observations made by some of the hon. friends from the other side when we discussed this Bill last time, I have tried to examine again the provisions and the spirit of the Bill moved by me but—I submit with due deference to their opinion—I do not find any contradiction in the amendment proposed by me. To be specific, I would like to point out that the meetings with other parties which in my opinion should attract the provisions of the anti-defection law, are those where a Member makes a common cause with other political parties opposing his original political party, that is, where he clearly gives the impression that he no longer belongs to his original party and has, in fact, joined the other political party irrespective of the fact whether he votes with his original party in the House or not. This is the sort of practice which is the most reprehensible form of political dishonesty .This is the practice which devalues politics and it is this practice which I want to put an end to. Here again I would like just to make a clarification that the types of meetings referred to by some of the hon. Members from the other side—who unfortunately are not present in the House today such as a meeting being convened by the Prime Minister to obtain consensus of all political parties on a national issue, or even a meeting attended by members of various political parties to discuss any emergent issue, would in my opinion not attract the provisions which I want to be incorporated in the anti-defection law. Rather, such meetings would be saved by the proviso to clause 2 of my Bill, and it is here that I want to point out that this, I have introduced only to save such meetings where members of various political parties get together to voice their common concern about any issue concerning the people as such. I wonder how some of our hon. friends found any contradiction in the main provision of clause 2 of my Bill any the proviso thereto particularly

when I have submitted, the proviso rather takes care that the provisions of the anti-defection law do not work hardship in any case genuine However if there is any defect in the wording of my Bill I obviously would have welcomed any amendments by the friends on the other side. I want to further allay the fears part expressed by Shri Ish Duttjithat this provision would curtai the fundamental rights guaranteed to a citizen of the country under article 19 of the constitution of India. I do not want to dwell at length; I suppose the point is well-understood by all of us.

Recently, some instances of outrageous disregard to the anti-defection law have come to notice which call for serious consideration. Some hon. Members who earlier circumvented the law for over two years colluding with the Opposition outside and voting with the Congress in the House have now written to the Chairman that they are not Members of the Congress. Unfortunately, Sir, even now they have not displayed the courage to resign their seats from this House, thus demonstrating their open contempt for the law to which they were a party at the time of its enactment.

Sir, the then Hon. Minister for law, while speaking on the fifty-Second Amendment had very strongly and rightly so put forth the plea for introducin the provisions concerning the anti-defection law. Sir, I will seek your indulgence to very briefly refer to those, and I quote:

> "It is the very essence of our system that we regard party system as a necessary ingredient of our democratic functioning, that our parliamentary system functions parties, through the through party mechanism and through the inter-play of party rivalries and hostilities, our system flourishes in arriving at decisions freely given."

He further went on to say:

> "This is the very essence of our system. Now the proposed law tries to maintain the sanctity of that system by out-lawing individuals who come on party tickets, on certain principles and on certain programmes of parties and would over-night like to throw off all that on the basis of which they had come and change their party affiliations and group affiliations, because we have seen from experience in the past that frequently, though not invariably, the change is motivated by unhealthy considerations, considerations of office, considerations of profit and other considerations which are not regarded as healthy in a democratic system like ours. We want to cleane the political life. We want a verdict of the constituent authority which is Parliamentry exercising its power with a two-thirds majority of both Houses. We want a clear verdict that hereafter these motivations will not be allowed to operate in our body politic."

Sir, by a quirk of circumstances, the then hon. Minister for Law also fell in the company of those who subsequently wanted to thwart these very provisions. But I have some form of satisfaction to note that he was left with no alternative but to resign his seat because he knew that he had then piloted a Bill on behalf of the Congress which wanted to cleanse the public life, and there was no go for him from that. But, Sir, it does pain me to note that that

[Shri Pawan Kumar Bansal]

senior member of the so-called Janata Dal now, could not exercise any influence whatever on his other colleagues in that Dal to see that all those self-proclaiming upholders of democracy pay heed to these salutary provisions of law. Sir, a misplaced reference ..

श्री हंसराज भारद्वाज : अभी उन्होंने रिजाइन नहीं किया है ।

SHRI PAWAN KUMAR BANSAL: That is information for me. I was of the opinion that he had resigned his seat.

SHRI HANS RAJ BHARDWAJ: No, no.

SHRI PAWAN KUMAR BANSAL: That rather points out the double-standards which we are really practising in our political life.

And unfortunately, an hon. Member from this House who was present here for some time after the hon. Minister of State for Law had started speaking, made some interventions and then chose fit to leave the House after having delivered his sermons on double standards. In fact, it is the people of that ilk who chose to adopt double standards, who chose to mislead the people of our country, who at one stage having supported wholeheartedly the provisions of the anti-defection law are trying to wriggle out of it, without having the courage to give up their seats in the Parliament or in any State Assembly.

Sir, I was saying that a misplaced reference was made by prof. Lakshmanna and Shri S.P. Malaviya to an election of the President of India about 20 years back and they sought to equate it with the situation outlawed by the present anti-defection law. Only if they were to consider those events a little dispassionately, they would realise the fallacy of their argument and see that not only a preponderant majority of the Congress MPs and MLAs voted for the same presidential candidate but the subsequent formal alignments also showed that those self-proclaiming leaders who wanted to embarrass the then Prime Minister by joining hands with the vested interests outside Congress were left in a miserable minority. Had the anti-defection law been in force, then, it is not the leader of the Congress Party but those few members who would have attracted the provisions of this law. I just fail to understand how all those irrelevant analogies were sought to be drawn while some of the hon. Members were speaking on this Bill. I can understand their predicament. They could not brazenly oppose the antidefection law as such but by various innuendoes and by alluding to many imaginary and hypothetical situations an impression was sought to be created that perhaps the anti-defection law has not stood the test of time and has no validity. I would have wished to remind them if they were present in the House that it is the anti-defection law, one single piece of legislation, which was initiated by Prime Minister Rajiv Gandhi that has gone a long way in injecting morality in our public life. It is a different matter that such an injection had no effect on our friends on the other side.

Sir, our hon. friends who participated in this discussion have impressed upon the need to curb defections, to cleanse public life and to pursue value-based politics, but as I was saying, quite enigmatically some hon. Members advanced arguments which negate their pious

assertions. It cannot be the intention of any law that if any elected member of any institution, whether it be Parliament or a State Legislature, changes his party, he should thereafter be denied the right to any position. Why I say so, Sir, because one of the hon. Members, while putting forth this argument, suggested that any person who leaves his party, should never get any position whatsoever in the other party which he joins. In the same breath, he gave the examples of some of the very important figures of Indian democracy saying that when they chose to leave the Congress, they had resigned from the legislature and then joined the Socialist Party at that time. and won again Humbly I would submit that this is rather a self-contradictory argument. But be that as it may, I want to emphasise that if ever a law were to have that as its intention—that is to bar a person's entire future political career if once he chose to change his political affiliation—it would not be justified and would rather work as a clog on one's rights, including the right of dissent and the freedom of speech, expression and association which we all want to preserve so assiduously. All that a law should provide for is that if an elected person wishes to change his party, he must forfeit his seat which he won as a member of that party. That is precisely what the Anti-Defection Law provides for. That is the clear object of the present law, Sir, and all that is required, which I have put forth now is the need to plug the loopholes which some people have used to create holes in this beautiful fabric of Indian democracy.

Sir, it is not a question of any political party. I want to emphasise, Sir, that it is not a question that concerns any one political party. But it is a question of political morality which stares mockingly at all of us. I agree with some of the hon. Members that a strong political will is required to curb defections and the malfunctioning of democracy. But equally, if not more important, is the need to have an express law on the subject to ensure compliance with the will of the people. the will of the people must find expression through unambiguous law so that some self-seeking people do not scoff at it contemptuously. If the working of any law points out some drawbacks, we must act to remove those defects. We must act to remove those defects by amending the law. This is important in a changing and moving society, as distinguished from a static one.

Sir, our friend. Shri Chimanbhai Mehta, chose to make an intervention after the hon. Minister of State for Law intervened, because the provision which I now seek to introduce in the existing Anti-Defection Law, in fact. hurts Shri Mehta and others, though very few, who for reasons best known to them, have chosen to flout the provisions of the Anti-Defection Law. Sir, with utmost humility, I again went to emphasise that my Bill is not directed against the acts of any individual. My effort arises on seeing a malady still afflicting the very vitals of our system. It is very humbly that I thought that a provision as this could work as a corrective measure.

4 P.M.

I would not like to go in detail into what Mr. Mehta has said. It was referred to and replied to very aptly by the honourable Minister and by my friend, Mr. Pachouri. But the fact remains that party whips are never issued by convening general body meetings. As far as the Congress is concerned, on any major issue before Parliament, there has been a general body meeting, not for one hour, not for two hours but for two or three days at length, and every Member has been given full

[Shri Pawan Kumar Bansal]

opportunity to discuss the subject threadbare. I know that at one or two meetings our friend, Mr. Mehta, also chose to speak. But if he were to expect that over 500 Members were to toe his line, I suppose that would be too unfair in a democracy, and if any Member chooses to form an opinion, because his view does not find acceptance, that perhaps he alone is the isparagon of virtue, I suppose that also will be too unfair to others.

Sir, finally, to conclude, I express my sincere gratitude to the honourable Minister of State for Law who has appreciated my point of view, my concern and that of many other honourable Members of this House, about the need to impart full meaning and respect to the anti-defection provisions of the Constitution and of the need to ensure full compliance thereof. I am, however, conscious of the limited scope of a Private Member's Bill, particularly one which seeks to amend the Constitution. I am conscious of that, Sir, and, in the light of the point repeatedly made by the honourable Members and accepted by the honourable Minister, I seek leave of the House to withdraw the Bill, fervently hoping that a consensus would emerge soon to plug these loopholes in the anti-defection law and that at least the spirit of what I have tried to say would find recognition in an official amending Bill moved by the Government. Thank you, Sir.

The Bill was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : We now go to the next item, The Child Welfare Boards Bill, 1988. Shri Suresh Pachouri.

CHILD WELFARE BOARDS BILL, 1988

श्री सुरेश पचौरी : (मध्य प्रदेश) : माननीय उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि :

देश के प्रत्येक जिले में बाल कल्याण बोर्ड की स्थापना और तत्संबंधी विषयों का उपबन्ध करने वाले विधेयक पर विचार किया जाये ।

इससे पहले कि मैं अपने इस विधेयक पर विचार प्रकट करूं, आपको इस महत्वपूर्ण पद पर पहुंचने के लिए हृदय से बधाई देता हूं और उम्मीद करता हूं कि आप अपने उत्तरदायित्व का निर्वहन पूर्ण निष्ठा और लगन के साथ सफलतापूर्वक करेंगे ।

महोदय, यह एक संयोग की बात है कि जब मैं ऐसे विधेयक को प्रस्तुत कर रहा हूं जिसमें देश का भविष्य जुड़ा हुआ है--बाल कल्याण बोर्ड विधेयक, 1988 जिसमें देश के प्रत्येक जिले में बाल कल्याण बोर्ड की स्थापना का प्रावधान है, उस समय आप उपसभाध्यक्ष के आसन पर विराजमान हैं । हमारा देश एक विकासशील देश है, जिसमें अशिक्षा बेरोजगारी और गरीब लोगों की संख्या बहुत ज्यादा है और इसी फलस्वरूप यहां के बालकों की उन्नति और विकास भलीभांति आर्थिक अभाव की वजह से नहीं हो पा रहा है । उनका सही ढंग से पालन-पोषण नहीं हो पा रहा है, उनकी सही परवरिश नहीं हो पा रही है, उनकी सही ढंग से देखभाल नहीं हो पा रही है, उन्हें पर्याप्त शिक्षा नहीं मिल पा रही है, जिस ढंग से उनकी ग्रोथ होनी चाहिए अपेक्षानुरूप वैसी ग्रोथ नहीं हो पा रही है । आज के बच्चे जो कल के देश के भविष्य माने जाते हैं उनका यदि सही विकास नहीं हो पाएगा तो देश कैसे विकास करेगा, यह एक प्रश्नवाचक चिन्ह है अधिकांश जो गरीब बच्चे हैं, वह अपनी क्षमताओं का सही उपयोग नहीं कर पाते हैं और उनकी सही देखभाल नहीं होने की वजह से,